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7 *Interim Class Counsel*  
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10 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 IN RE CALIFORNIA BAIL BOND  
13 ANTITRUST LITIGATION

Master Case No. 3:19-CV-000717-JST

**DECLARATION OF DEAN M. HARVEY  
IN SUPPORT OF PLAINTIFFS'  
[PROPOSED] MOTION FOR  
RECONSIDERATION**

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15 THIS DOCUMENT RELATES TO:

16 All Actions  
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1 I, Dean M. Harvey, declare as follows:

2 1. I am a partner at the law firm of Lief Cabraser Heimann & Bernstein, LLP (“Lief  
3 Cabraser”), which has been appointed Interim Class Counsel. I am the lead attorney for this case  
4 at Lief Cabraser. I have personal knowledge of the facts herein and, if called upon to testify to  
5 those facts, I could and would do so competently.

6 2. Lief Cabraser employs attorneys on a full-time, long-term basis in four categories:  
7 Partners, Of Counsel, Associates, and Staff Attorneys. The firm’s Staff Attorneys support the  
8 firm’s organization, reading, coding, and analysis of the vast number of documents produced in  
9 civil litigation. They have degrees from reputable law schools, generally have years of  
10 experience in civil litigation and document review and analysis in complex cases, and, like  
11 Partners, Of Counsel, and Associates, have biographies posted on the firm’s website. They are  
12 included in the firm’s continuing legal education programs. They are paid directly by the firm  
13 and may receive benefits provided by the firm. The chief difference between Associates and  
14 Staff Attorneys is that the latter have made the lifestyle and career choice to work a more limited  
15 number of hours than traditional law firm Partners, Of Counsel, and Associates.

16 3. Given the large number of complex cases the firm handles at a time, Lief  
17 Cabraser sometimes has the need for attorney document review and analysis support beyond the  
18 firm’s regular, long-term staffing. When such needs arise, the firm retains the service of  
19 “agency” or “contract” attorneys for discrete, shorter term projects. Often, attorneys who start  
20 working for the firm while paid by an agency transition to direct employment by the firm.  
21 Whether they are on payroll or paid through an agency, both staff and contract attorneys perform  
22 substantially the same document review, analysis, and litigation support functions. The primary  
23 difference between staff and contract attorneys is that they are compensated differently. All  
24 utilize, to varying degrees, the firm’s infrastructure and resources, including, but not limited to:  
25 the use of physical office space; the use of information technology support; the use of firm  
26 administrative support (e.g., human resources, accounting services, and word processing);  
27 assistance from the firm’s litigation support department for training on document review  
28 platforms; and supervision by firm partners, senior associates, and senior staff. Lief Cabraser

1 sets both staff and contract attorney rates based on market rates for lawyer services, primarily in  
2 the San Francisco and New York marketplaces (where Lieff Cabraser’s primary offices are  
3 located).

4 4. Contract and agency attorneys’ responsibilities are not mechanical, nor low-value.  
5 Documents produced by defendants have already been reviewed for responsiveness and  
6 relevance, so first-level review work is complete before Plaintiffs even receive the documents.  
7 Attorneys working on behalf of Plaintiffs then review and analyze these relevant documents,  
8 applying their experience and knowledge of the legal issues in the case to make judgments about  
9 the relative importance of documents to proving the elements of Plaintiffs’ claims. They work in  
10 concert with other members of the litigation team to develop case-specific expertise. For  
11 instance, documents that evince an anticompetitive conspiracy are often cryptic, because  
12 sophisticated conspirators take steps to avoid creating “smoking guns.” These conspirators will  
13 sometimes use code words, or take subtle actions inconsistent with economic self-interest absent  
14 an understanding with their competitors. Identifying and analyzing these documents is a difficult  
15 and critical task.

16 5. Accordingly, all members of the litigation team, from contract and agency  
17 attorneys to senior partners, work collaboratively to develop the factual expertise necessary to  
18 assemble and understand the factual record that will prove Plaintiffs’ case. This work goes well  
19 beyond simply reviewing and coding documents. Staff and contract attorneys draft memos  
20 organizing and summarizing vast amounts of evidence; they assemble witness kits that are used to  
21 prepare for depositions and to select deposition exhibits; they create and update casts of  
22 characters, including work histories and biographies of key witnesses; they create and update  
23 dictionaries of industry jargon and conspiracy code words; and so on.

24 6. Staff and contract attorneys also apply their case-specific expertise of the law and  
25 the facts to identify highly relevant and hot documents for the “Seed Set” in Technology-Assisted  
26 Review (TAR) in cases where that technique is employed. The quality of the “Seed Set”  
27 improves the reliability of the TAR process, which, in turn, increases efficiency and reduces the  
28 number of hours necessary for manual review of documents. In particular, when TAR is utilized

1 in the Continuous Active Learning (“CAL”) mode, the computer learns from the contents of the  
2 Seed Set and is trained to identify more of the same types of documents from additional un-  
3 reviewed documents as they are produced. The computer identifies and feeds new proposed hot  
4 or highly relevant documents to a team of staff and associate attorneys on a priority basis for  
5 further review. These attorneys review and either affirm or correct the computer’s proposed  
6 coding. The computer automatically “digests” the decisions made by the attorneys and re-  
7 calibrates its learning process on a continuous basis. Through this iterative process, hot and  
8 highly relevant documents are identified quickly, on a priority basis, and in a more time- and  
9 cost-efficient way.

10 7. Without the option of relying on contract attorneys to perform professional legal  
11 services, Lieff Cabraser would have to re-assign those tasks to more senior staff attorneys,  
12 associates, or partners, a practice that would not only cause delay in the litigation process, but  
13 also result in higher legal costs to clients.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is  
15 true and correct.

16 Executed on the 18th of June, 2019, in San Francisco, California.

17  
18 /s/ Dean M. Harvey  
DEAN M. HARVEY